

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 6, 2006

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Malepeai and Stennett, absent and formally excused by the Chair; and Senators Cameron, Coiner, Davis, Gannon, Hill, Keough, Langhorst, Lodge, Marley, McGee, Pearce, Richardson, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ashley Burke, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 3, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 128

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain sections of Rules of the Department of Health and Welfare governing residential care or assisted living facilities in Idaho, and certain Rules of the Department of Lands governing exploration and surface mining in Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Real Estate Commission are to be applied retroactively to October 1, 2005; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2006 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502.

IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502.

BE IT FURTHER RESOLVED that IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451,

Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502, and IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that IDAPA 33.01.01, Rules of the Idaho Real Estate Commission relating to certain license fees, adopted as pending fee rules under Docket Number 33-0101-0502, the entire rulemaking docket be, and the same is hereby approved, and pursuant to Section 67-5224(5)(a), Idaho Code, made effective and applied retroactively to October 1, 2005.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

SCR 129

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2006 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 17.02.08, rules of the Industrial Commission relating to miscellaneous provisions, adopted as temporary rules under Docket Number 17-0208-0501, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall

remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Fifty-ninth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2006 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

SCR 128 and **SCR 129** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 3, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 548**, **H 549**, **H 550**, **H 551**, and **H 554** with the recommendation that they do pass.

ANDREASON, Chairman

H 548, **H 549**, **H 550**, **H 551**, and **H 554** were filed for second reading.

March 3, 2006

The STATE AFFAIRS Committee reports out **HCR 46**, **H 555**, and **H 621** with the recommendation that they do pass.

BURTENSHAW, Chairman

HCR 46 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 555 and **H 621** were filed for second reading.

Senators Coiner and Gannon were recorded present at this order of business.

March 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1357** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1357** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2006

March 3, 2006

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Richelle Sugiyama to the Idaho Endowment Fund Investment Board, term to expire April 11, 2009;

Susan K. Simmons to the Idaho Endowment Fund Investment Board, term to expire April 11, 2009.

ANDREASON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 2, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1255

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 3, 2006

Mr. President:

I transmit herewith **H 541, H 638, H 523, H 640, HCR 38, H 433, H 522, H 746, H 747, H 748, H 538, H 539, H 645, H 729, H 567, H 614, H 619, H 727, H 707, H 711, and H 718** which have passed the House.

JUKER, Chief Clerk

H 541, H 638, H 523, H 640, HCR 38, H 433, H 522, H 746, H 747, H 748, H 538, H 539, H 645, H 729, H 567, H 614, H 619, H 727, H 707, H 711, and H 718 were filed for first reading.

Mr. President:

I transmit herewith Enrolled **HCR 39** and **HCR 31** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 39** and **HCR 31** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Hill, Keough, Lodge, McGee, and Richardson were recorded present at this order of business.

On request by Senator Sweet, granted by unanimous consent, **SJM 119** retained its place on the calendar for Wednesday, March 8, 2006.

The President announced the Resources and Environment Committee report relative to the Idaho Fish and Game Commission appointment of Marcus Gibbs was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stegner, the Idaho Fish and Game Commission appointment of Marcus Gibbs as a member of the Idaho Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Fish and Game Commission appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Commission informing them of the action of the Senate.

Senators Cameron, Davis, Langhorst, Marley, Pearce, and Werk were recorded present at this order of business.

The President announced that **HCR 40**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McGee, seconded by Senator Stegner, **HCR 40** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 125** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 125** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 126** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 126** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 127** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Compton, seconded by Senator Kelly, **SCR 127** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **HJM 12** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McGee, seconded by Senator Burkett, **HJM 12** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **SCR 124** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, **SCR 124** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1429

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD FOR ESTABLISHING THE MINIMUM AMOUNT FOR DAMAGES WHEN ASCERTAINING THE VALUE OF THE PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

S 1430

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2007; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

S 1431

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE; AMENDING SECTION 1, CHAPTER 397, LAWS OF 2005, TO REVISE THE APPROPRIATION MADE TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE

FOR FISCAL YEAR 2006; TO AUTHORIZE ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

S 1432

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE QUALITY OF SERVICES PROVIDED TO SENIORS.

S 1429, S 1430, S 1431, and S 1432 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 541, H 638, H 523, and H 640, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

HCR 38, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 433 and H 522, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 746, H 747, and H 748, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 538, H 539, and H 645, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 729, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 567, H 614, and H 619, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 727, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 707, H 711, and H 718, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 411, H 490, H 493, and H 410, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

H 463, as amended, **H 603**, and **H 608**, by Transportation and Defense Committee, were read the second time at length and filed for third reading.

H 547, by Education Committee, was read the second time at length and filed for third reading.

H 559, by Local Government Committee, was read the second time at length and filed for third reading.

H 685, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 590, by State Affairs Committee, was read the second time at length and filed for third reading.

H 475, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1408 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1408** passed, title was approved, and the bill ordered transmitted to the House.

S 1404 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Gannon, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Schroeder, Stegner, Werk, Williams. Total - 24.

NAYS--Brandt, Burtenshaw, Fulcher, Geddes, Jorgenson, Pearce, Richardson, Sweet. Total - 8.

Absent and excused--Davis, Malepeai, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1404** passed, title was approved, and the bill ordered transmitted to the House.

S 1422 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1422** passed, title was approved, and the bill ordered transmitted to the House.

S 1367 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Sweet, Werk, Williams. Total - 28.

NAYS--Keough, Stegner. Total - 2.

Absent and excused--Brandt, Bunderson, Burkett, Malepeai, Stennett. Total - 5.

Total - 35.

Whereupon the President declared **S 1367** passed, title was approved, and the bill ordered transmitted to the House.

S 1411 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1411** passed, title was approved, and the bill ordered transmitted to the House.

S 1417 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1417** passed, title was approved, and the bill ordered transmitted to the House.

S 1266, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1266**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1350, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1350**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Little to the Chair.

S 1390, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **S 1390**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

S 1400, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1400**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1354, as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hill, Kelly, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 30.

NAYS--Jorgenson, Keough. Total - 2.

Absent and excused--Davis, Malepeai, Stennett. Total - 3.

Total - 35.

Whereupon the President declared **S 1354**, as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1332**, as amended, retained its place on the Third Reading Calendar.

S 1412, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1412**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1395, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Malepeai, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **S 1395**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate adjourned at 12:09 p.m. until the hour of 10 a.m., Tuesday, March 7, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary